

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

OSCAR BROWN, individually and on behalf  
of all others similarly situated,

Plaintiff,

-against-

WESTERN DIGITAL CORPORATION,

Defendant.

Case No. 1:20-cv-04624 (AT)

**DECLARATION OF JOSHUA S. HODAS IN  
SUPPORT OF DEFENDANT WESTERN DIGITAL  
CORPORATION'S MOTION TO TRANSFER**

I, Joshua S. Hodas, Esq., an attorney duly admitted to practice before this Court, hereby declare subject to the penalties of perjury:

1. I am a Partner with the firm of Lewis Brisbois Bisgaard & Smith LLP, attorneys of record for Defendant Western Digital Corporation ("WDC"). I have been admitted pro hac vice in this action. I submit this Declaration in Support of WDC's motion to transfer this action to the United States District Court for the Northern District of California.

2. Annexed hereto as Exhibit A is a true and correct copy of the Complaint filed in Case No. 5:20-cv-03584-NC, *Malone v. Western Digital Corporation*, in the federal district court for the Northern District of California on May 29, 2020.

3. Annexed hereto as Exhibit B is a true and correct copy of the Second Amended Complaint filed in *Malone v. Western Digital Corporation* on August 10, 2020.

4. I am also part of the litigation team from Lewis Brisbois representing Western Digital in the *Malone* case. As the docket will confirm, case-management conference has already been held, a scheduling order was issued, and discovery has already started in that action.

5. Annexed hereto as Exhibit C is a true and correct copy of extracts from Western Digital's most recent, August 27, 2020, "10-K" filing with the S.E.C., which filing I downloaded today from <https://investor.wdc.com/static-files/8ae52d00-aceb-4e11-9f83-4df2a681f081>. The filing can also be viewed in HTML form at <https://www.sec.gov/Archives/edgar/data/106040/000010604015000010/wdc731510k.htm>.

6. Annexed hereto as Exhibit D is a true and correct copy of extracts from the June 30, 2020 report of federal district court district statistics, which I downloaded today from [https://www.uscourts.gov/sites/default/files/data\\_tables/fcms\\_na\\_distprofile0630.2020.pdf](https://www.uscourts.gov/sites/default/files/data_tables/fcms_na_distprofile0630.2020.pdf).

7. I certify that the foregoing statements made by me are true, and I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

8. The grounds for the instant motion are set forth in the accompanying memorandum of law.

WHEREFORE, it is respectfully submitted that the Court should grant this motion and transfer this action to the United States District Court for the Northern District of California.

Dated: Los Angeles, California  
October 2, 2020

/s/ Joshua S. Hodas  
Joshua S. Hodas, Esq.

**CERTIFICATE OF SERVICE**

Joshua S. Hodas, an attorney duly admitted to practice before this Court, certifies that on October 2, 2020, he caused the within Declaration of Joshua S. Hodas to be filed and served by ECF.

/s/ Joshua S. Hodas

Joshua S. Hodas